

**MINUTES
COLUMBUS PLAN COMMISSION MEETING
AUGUST 8TH, 2005 AT 4:00 P.M.
CITY COUNCIL CHAMBERS, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Dave Fisher (President), Jack Heaton, John Hatter, Pat Zeigler, Rob Kittle, Tom King, Dave Bonnell, Steve Ruble and Tom Finke (County Plan Commission Liaison).

Members Absent: John DeLap, Joan Tupin-Crites and Rick Colglazier.

Staff Present: Jeff Bergman, Sondra Bohn, Thom Weintraut, and Tim Coriden (City Attorney).

CONSENT AGENDA

None

OLD BUSINESS REQUIRING COMMISSION ACTION

None

NEW BUSINESS REQUIRING COMMISSION ACTION

MP-05-04: Booher Minor Subdivision - is a request by Steven Booher to create one 6.48-acre building lot and a parent tract remainder of 116.44 acres. The property is located on the south side of Carr Hill Road ½ mile east of County Road 475 West, in the City of Columbus.

Mr. Weintraut presented the staff report on this request.

Mr. Orwic Johnson with Columbus Surveying and Steve Booher represented the petitioner.

Mr. Johnson stated that construction of a sidewalk is premature due to a lack of preliminary design on Carr Hill Road. Mr. Johnson stated they are asking for a waiver of sidewalk requirements. He stated the petitioners want to create a 6.48-acre lot for building a house and that the Plan Commission would review any future development.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated that it would be consistent to grant the sidewalk modification and approve the subdivision as the applicant has requested. Mr. Bergman stated that

there were some items listed in the staff report that outlined the additional requirements if the property is further developed.

Motion: Mr. Heaton made a motion to approve the request and allow the modification for relief of sidewalks. Mr. Hatter seconded the motion and it carried with a vote of 8-0.

MP-05-05: Replat of Donald Nolting Minor Subdivision – is a request by Donald K. Nolting to create a 4.49-acre lot and a 29.75-acre tract. The property is located on the north side of County Road 100 South approximately 850 feet west of County Road 250 East in Columbus Township.

Mr. Weintraut presented the staff report on this request.

Mr. Rik Sanders with E.R. Gray & Associates and Donald Nolting represented the petitioner.

Mr. Sanders stated that Mr. Nolting wants to create a buildable lot, which is labeled Lot 2A on the plat. On the previous plat, this area was part of Tract 2, which was a buildable lot with a house. The house has been demolished. The remainder of Tract 2 is now labeled as an agricultural tract and not buildable. Mr. Sanders stated that they are not changing the density of the subdivision. He stated that they have created an additional agricultural tract and the use of that property will not change. The access easement that serves that tract and the one further to the west would only receive agricultural vehicles. Mr. Sanders stated that the reserved right of way would be available to access Tract 2 if someone wanted to subdivide and make road improvements. He stated Tract 1 lies to the west and is in a flood plain. Mr. Sanders stated that Mr. Nolting would like to give lot 2A to his son. He stated that the use of the property and the use of the access easements are not changing. The lines are being rearranged and the residential lot location is being moved to Lot 2A.

Mr. Sanders stated they are asking for modification for relief of sidewalks and to allow the access easements as they are shown on the replats.

Mr. Nolting stated that he had no plans for future development of this property.

Mr. Fisher asked if a portion of Tract 2 was tillable. Mr. Nolting stated only a part of this was tillable because of a ravine and woods. He stated the only access to the back to that lot is a fifty-foot easement that goes back to another owner's property. The easement cannot be used because of the trees.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Bergman asked why the new home could not be constructed on Lot 2, as it exists. Mr. Nolting stated that there were too many acres for his son to maintain a home.

Mr. Fisher asked if the lot was an unusual shape. Mr. Bergman stated that one of the

primary concerns in 1995 when the area was originally subdivided was the access for future lots. Mr. Bergman stated that there are no rules that a lot of this shape cannot be created, but it does raise some questions.

Mr. Fisher asked where access is located for Lot 2A. Mr. Sanders stated that it would be off 100 South, running west there is a fifty-foot access easement and then north through Lot 1A. That easement would serve Lot 1A and 2A. He stated that the remainder of the easement would serve Lots 1 & 2, which would be the agricultural tracts.

Mr. Ruble asked if the proposed Tract 2 would be buildable if it were labeled as an agricultural remainder. Mr. Bergman stated that the current zoning ordinance regulates the number of splits from a parent tract. He stated that at this time there could be one additional split. He stated that if Tract 2 is approved it is a buildable lot.

Mr. Sanders stated that Tract 2 would not become a buildable lot and they would be willing to put that on the plat.

Mr. Bergman stated the record is clear from the previous meeting that the Plan Commission discussed this extensively and had a number of concerns about whether this was a minor or major subdivision. He stated they agreed to approve it as a minor subdivision with a number of conditions and notes on the plat in an attempt to protect future development and assure that access occurred in a manner that was consistent with the ordinances. He stated there is an additional piece of property being created, and asked if that equals the future subdivision that the notes on the plat addressed in 1995. If it does this should be denied and filed as a major subdivision with road improvements required.

Ms. Zeigler asked if a note could be put on the plat stating Tract 2 is not a buildable lot. Mr. Sanders stated they would be willing to do that.

Mr. Fisher asked if there were any plans to improve the roads in this area. Mr. Ruble stated he had met with Danny Hollander, County Engineer and had discussed this. Mr. Ruble stated the County has no plans to widen or improve 100 South or 250 East, although pursuant to the notes on the previous plat Mr. Hollander did request that road improvements be required in the form of four foot shoulders as required by the Thoroughfare Plan.

Mr. Fisher asked what happens to the notes on the previous plat if the request is approved. Mr. Bergman stated they could be carried over to this plat. Mr. Fisher asked if any further development could occur on this property without discussion from the Plan Commission. Mr. Bergman stated that Tract 1 as proposed could be subdivided one additional time for one additional lot based on the provisions of the zoning ordinance.

Mr. Kittle asked if the notes are left on the plat would it cause an undo burden on the petitioner. Mr. Bergman stated that they would just need to return to the Plan Commission for any approval of further development.

Mr. Bonnell stated the notes should be left on the plat to remind future Plan

Commission members that it is an issue that would need to be dealt with.

Mr. Nolting stated he would prefer that the notes be left on the plat.

Mr. Bergman stated that if this were approved staff would propose that the notes be removed and replaced with something that was clearer. He stated a single note that indicates that if any additional lots, tracts, agriculture remainders; or other divisions of property occur that they shall be directly served by a public street system as a major subdivision. Mr. Bergman stated that no further use of easements providing access to those lots would be permitted.

Mr. Ruble asked if there was a time limit involved for approval of this request. Mr. Nolting stated they would like to begin construction before cold weather.

Mr. Bergman stated by reading the notes on the plat it is implied that this is an additional subdivision of the property. He stated because of that staff would recommend that this be denied, and the petitioner should be directed to file this as a major subdivision. He stated that if the Plan Commission would grant approval, the note should be changed to require any future subdivision take the form of a major subdivision and require public streets. Mr. Bergman stated that the two changes that Mr. Ruble identified should also be included.

Motion: Mr. Kittle made a motion to approve this request granting relief of road and access improvements as well as relief for construction of sidewalks along the frontage of County Road 100 South subject to the following conditions: (1.) Provide a "no access" notation along the west line of Lot 1A beginning at the access easement for tracts 1 and 2 and extending north to the common line of lot 1A and 2A. (2.) Place a note on the plat stating that any future subdivision shall be considered a Major Subdivision and shall require the construction of a public street system. (3.) Add the notes from the previous plat with the following revisions: (a) if there is any future development, road improvements (shall be) required along County Roads 250 East and 100 South. Mr. Heaton seconded the motion and it carried with a vote of 7-1 with Mr. Ruble being the nay vote.

MP-05-06: EBW Anderson Tower Minor Subdivision – is a request by Eastern Bartholomew Water Corp. to create a tract containing 0.1148 acres. The tract will contain an existing water tower. The property is located on the west side of US Highway 31 approximately 1600 ft. southeast of the intersection of US 31 and Base Road, in Columbus Township.

Mr. Weintraut presented the staff report on this request.

Mr. Ted Darnell with Crowder & Darnell Land Surveying and Don Smith, Superintendent of Eastern Bartholomew Water represented the petitioner.

Mr. Darnell stated they are asking for modification of relief for sidewalks along the frontage of 250 East. He stated that this was a remote tower site and the overall intent of the subdivision by the Water Corporation is restructuring on how they hold title to these properties. The tower has been located at this site for 30 years and nothing is being changed except the Water Corporation wants to own this site as

opposed to leasing it.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated staff would recommend approval with the requested sidewalk modification allowed.

Motion: Ms. Zeigler made a motion to approve this request including the request of modification for sidewalks. Mr. Ruble seconded the motion and it carried with a vote of 8-0.

MP-05-07: Fischer Family Farm Minor Subdivision – is a request by Mark Fischer to create a lot totaling 3.90 acres. The lot contains an existing house and farm buildings. The property is located on the west side of County Road 250 East approximately 1100 feet north of County Road 100 South, in Columbus Township.

Mr. Weintraut presented the staff report on this request.

Mr. Rik Sanders with E.R. Gray & Associates and Mark Fischer represented the petitioner.

Mr. Sanders stated they are asking for relief of sidewalks.

Mr. Fisher opened the meeting to the public.

Mr. Fisher read into the record a letter from Dan & Tami Fisher opposing the creation of the subdivision and the proposed demolition of the existing house on the property. They also asked that this request be tabled, pending further discussion. They also submitted a copy of the contract for the conditional sale of this real estate.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Fisher asked if there was any reason that has been raised by Dan & Tami Fisher in their letter that would preclude the Commission from acting on this request relative to sidewalks.

Mr. Coriden stated that the Commission has the standard by which a modification may be granted. He stated that he did not see input that a conditional sale contract would have on the Commission. Mr. Coriden stated the contract would not inhibit the Commission in making any decisions on this request.

Mr. Bergman stated that the Rules of Procedures for a continuance from the Plan Commission states any person may request a continuance in writing prior to the public hearing or ask verbally at the beginning of the public hearing. The person requesting

the continuance shall be required to show good cause and sufficient cause for such continuance and it shall be within the discretion of the Commission to grant or deny such request.

Mr. Kittle asked if any action that would be taken other than a continuance that would trigger any action on the petitioner's part or by anyone else involved that could violate this contract as it is written.

Mr. Coriden stated he had not read the contract. He stated the Commission is not bound by any part of the contract.

Mr. Sanders stated that his client Mr. Fischer was not in favor of a continuance.

Motion: Mr. Bonnell made a motion to approve this request and to approve the modification for relief of sidewalks for the frontage of County Road 250 East. Mr. King seconded the motion and it carried with a vote of 8-0.

MP-05-08: CCU Tank # 2 Minor Subdivision – is a request by Columbus City Utilities to create a 10,000 sq. ft. lot containing an existing water tower. The property is located approximately 646 ft. north of 25th Street and 830 ft. west of Talley Road, in the City of Columbus.

Mr. Weintraut presented the staff report of this request.

Mr. Rik Sanders with E.R. Gray & Associates and Keith Reeves, Director of Columbus City Utilities represented the petitioners.

Mr. Reeves stated that City Utilities had occupied this location for several years. It has been an easement from the School Corporation, which they would like to transfer to the City of Columbus. He stated this would give them some other options for the future.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Ruble asked what advantage this gives the Utility Company. Mr. Reeve stated that there has been discussion with several cellular phone providers that would like to locate at this site, but are not interested in leasing unless the Utility Company owns the property.

Mr. Bergman stated that staff would recommend approval and that would include the waiver of sidewalks.

Mr. Kittle stated that if the City is going to require private developers to install sidewalks maybe the City should lead the way.

Motion: Mr. Bonnell made a motion to approve this request, including the modification for relief of sidewalks. Ms. Zeigler seconded the motion and it carried with a vote of 8-0.

DISCUSSION ITEMS

REPORTS & RECOMMENDATIONS

DIRECTOR'S REPORT

LIAISON REPORTS

ADJOURNMENT: 5:20 P.M.

David L. Fisher, President

Steve T. Ruble, Secretary